

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.382 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- SC/ST District- Siwan

1. CHHOTE KUMAR SINGH Son of Late Rama Shankar Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
2. Prakash Singh @ Babloo Singh @ Prakash Kumar Singh Son of Dharendra Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
3. Abhishek Kumar Singh @ Kundan Singh Son of Dharendra Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
4. Vikash Singh @ Dabloo @ Vikas Kumar @ Dabloo Singh Son of Birendra Singh @ Bachcha (Singh)Babu Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
5. Bibek Kumar Singh @ Sippu Singh Son of Birendra Singh @ Bachcha (Singh) Babu Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
6. Rupesh Singh Son of Rameshwar Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
7. Anand Bihari Singh Son of Late Satya Narayan Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
8. Bullet Singh @ Rajan Singh Son of Late Surendra Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
9. Vikash Singh Son of Raj Mangal Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
10. Ashish Singh @ Ashish Kumar Singh Son of Upendra Singh Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.
11. Brajesh Dubey @ Brajesh Kumar Dubey Son of Ram Naresh Dubey Resident of Village - Maniyan , P.S.- Asaon, Distt.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defect(s), as pointed out by the office, within a



period of four weeks.

Counsel for the appellants seeks permission to withdraw the present appeal on behalf of appellants No.1 to 5 and 7 to 11 as the appellants No.1 to 5 and 7 to 11 have been taken into judicial custody.

Permission is accorded.

The appeal filed on behalf of appellants No.1 to 5 and 7 to 11 is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellant No.6, namely, Rupesh Singh in connection with a case registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(Va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellant No.6 assaulted the son of the informant and his friends by means of lathi and danda and they also abused them by taking caste name.

It has been submitted on behalf of the appellant No.6 that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant No.6. The appellant No.6 has falsely been implicated in the present case. No deadly weapon is said to have been used



in course of occurrence. For a petty reason the alleged occurrence is said to have taken place. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant No.6 is named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 29.08.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No.1166 of 2020 and 1449 of 2020 in connection with Siwan SC/ST P.S. case No.45 of 2019, is set aside only for the appellant No.6. The criminal appeal is allowed with regard to the appellant No.6 only.

Accordingly, the appellant No.6, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. case No.45 of 2019.

Narendra/-

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(Sudhir Singh, J)

